



CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 27493**", the original copy of which is attached hereto, was passed for publication of title on the **21st day of June, 2005**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **28th day of June, 2005**, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 7

Said ordinance is effective as of **July 29, 2005**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **27th day of July, 2005**.

(SEAL)

LEE PRICE, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 27493

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JOSE ADDING CHAPTER 14.29 TO TITLE 14 OF THE SAN JOSE MUNICIPAL CODE IN ORDER TO ADOPT A TRAFFIC IMPACT FEE ON NEW INDUSTRIAL AND RESIDENTIAL DEVELOPMENT WITHIN THE NORTH SAN JOSE AREA DEVELOPMENT POLICY BOUNDARIES

WHEREAS, the Council desires to adopt a fee to offset the impacts on traffic from new industrial and residential development within the boundaries of and subject to the North San Jose Area Development Policy, as identified in the North San Jose Area Development Policy dated June 2005 and adopted by the City Council on June 21, 2005 (hereinafter "Policy"); and

WHEREAS, the City has prepared a study entitled "North San Jose Traffic Impact Fee Plan" dated June 2005, and accepted by the City Council on June 21, 2005 (hereinafter "NSJ Traffic Impact Fee Plan"), which specifies the traffic improvements required to serve future development subject to and consistent with the Policy, and recommends the amount of the impact fee on industrial and residential development subject to the Policy; and

WHEREAS, the improvements specified in the NSJ Traffic Impact Fee Plan are intended to mitigate in part those traffic impacts identified in the Environmental Impact Report prepared pursuant to the California Environmental Quality Act for the North San Jose Area Plan certified by the Planning Commission on June 7, 2005 and upheld on appeal by the City Council on June 21, 2005 (hereinafter "EIR"); and

WHEREAS, the improvements specified in the NSJ Traffic Impact Fee Plan and the traffic mitigations specified in the EIR are in addition to any future development project-specific impacts that may be identified with regard to individual development applications; and

WHEREAS, the North San Jose Traffic Impact Fee is subject to the applicable provisions of California Government Code section 66000 *et seq.*, commonly referred to as the "Mitigation Fee Act;" and

WHEREAS, on June 7, 2005, the Planning Commission certified the aforementioned Environmental Impact Report for this project, which certification was upheld on appeal by the City Council on June 21, 2005, pursuant to California Environmental Quality Act of 1970, as amended, under File Nos. GPT04-04-06a; GPT04-04-06b, GP04-04-06a and GP04-04-06b.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. Chapter 14.29 is hereby added to Title 14 of the San Jose Municipal Code to read as follows:

"Chapter 14.29

NORTH SAN JOSE TRAFFIC IMPACT FEE REQUIREMENTS

14.29.010 Purpose and Findings.

On June 21, 2005, the City Council adopted the June 2005 North San Jose Area Development Policy authorizing the intensification of development subject to and within the boundaries of the North San Jose Area Development Policy. The potential intensification of development within the Policy area will allow for the development of a maximum of 26.7 million square feet of new industrial office/research and development space, a maximum of 1.7 million square feet of new commercial space, and a maximum of 32,000 new residential units. It is the intent and purpose of the City Council in adopting this chapter to provide in part for the major traffic improvements deemed necessary as a result of the adoption of the June 2005 North San Jose Area Development Policy through the adoption of a North San Jose Traffic Impact Fee to be

charged to all new industrial and residential development subject to the Policy in the manner specified in the June 2005 North San Jose Traffic Impact Fee Plan accepted by the City Council on June 21, 2005.

14.29.020. Definitions.

The definitions set forth in this section shall govern the application and interpretation of this chapter:

- A. "Industrial" means any use of land specified as an industrial use in Title 20 of this Code.
- B. "Multi-Family Attached" means any residential dwelling unit that has a vertical overlap with another residential dwelling unit.
- C. "North San Jose Area Development Policy Boundary" means that project area within the corporate limits of the City of San Jose' consisting of approximately 4,987 acres and generally bounded by Interstate 880 to the South and East, Route 87 and the Guadalupe River to the West, and by Highway 237 to the North, as specified and depicted in the North San Jose Area Development Policy adopted by the City Council on June 21, 2005 and in the Environmental Impact Report for the North San Jose Development Policies Update certified by the Planning Commission on June 7, 2005 and upheld on appeal by the City Council on June 21, 2005. The North San Jose Area Development Policy and the Environmental Impact Report are maintained for public review in the Office of the Planning Division of the Department of Planning, Building and Code Enforcement.
- D. "North San Jose Traffic Impact Fee" means the fee adopted by the City Council pursuant to this chapter.
- E. "North San Jose Traffic Impact Fee Plan" is the fee study entitled, North San Jose Traffic Impact Fee Plan, dated June 2005, accepted by the City Council on June 21, 2005. The North San Jose Traffic Impact Fee Plan is maintained for public review in the Office of the Planning Division of the Department of Planning, Building and Code Enforcement.
- F. "Residential" means any use of land specified as a residential use in Title 20 of this Code.

- G. "Single-Family Detached" means any residential dwelling unit that does not have a vertical overlap with another residential dwelling unit.

14.29.030. Application of Chapter.

This chapter establishes the requirements for the North San Jose Traffic Impact Fee for all industrial and residential development within the North San Jose Area Development Policy Boundary occurring after the effective date of this ordinance, July 28, 2005. The North San Jose Traffic Impact Fee is limited to providing funding in the amounts and for those improvements specified in the North San Jose Traffic Impact Fee Plan. Nothing in this chapter shall restrict the ability of the city to require dedication of land, payment of fees or construction of improvements for needs other than, or in addition to, the improvements specified in the North San Jose Traffic Impact Fee Plan.

14.29.040. Traffic Impact Fee Requirement.

- A. Commencing July 28, 2005, prior to the issuance of any building permit for industrial or residential development in the North San Jose Area Development Policy Boundary, the North San Jose Traffic Impact Fee shall be paid in the following amount based upon the use of land:

Land Use

Fee

Industrial:	\$10.44 per sq. ft. of building space
Residential:	
Single-Family Detached.....	\$6,994.00 per dwelling unit
Multi-Family Attached.....	\$5,596.00 per dwelling unit

- B. The North San Jose Area Traffic Impact Fee specified in subsection A above shall be increased by 3.3 percent per annum compounded on July 1 of every odd numbered year.
- C. No building permit shall be issued for industrial or residential construction within the North San Jose Area Development Policy Boundary unless and until the North San Jose Traffic Impact Fee has been paid in full.

14.29.050. Accounting of North San Jose Traffic Impact Fees.

All North San Jose Traffic Impact Fees shall be deposited into the designated North San Jose Traffic Impact Fee fund. The North San Jose Traffic Impact Fee fund, including accrued interest, shall be subject to the all of the applicable provisions of Government Code section 66000 *et seq.*, including but not limited to the requirements for accounting, reporting and expenditure of the fund for the improvements specified in the North San Jose Traffic Impact Fee Plan."

PASSED FOR PUBLICATION of title this 21st day of June, 2005, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, LeZOTTE, PYLE,
REED, WILLIAMS; GONZALES

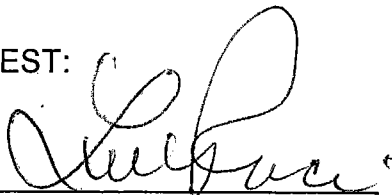
NOES: CORTESE, YEAGER

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 7

ATTEST:



LEE PRICE, CMC
City Clerk



RON GONZALES
Mayor

SAN JOSE POST-RECORD

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CECILIA DELGADO
SAN JOSE CITY CLERK
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SAN JOSE, CA - 95110

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

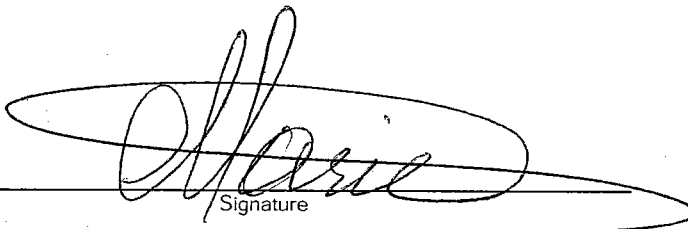
Ad Description: ORDINANCE #27493

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

06/24/2005

Executed on: 06/24/2005
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

RECEIVED
This space for filing stamp only

San Jose City Clerk

2015 JUN 30 P. 2: 13

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SJ #: 835013

ORDINANCE NO. 27493
AN ORDINANCE OF THE CITY OF SAN JOSE ADDING CHAPTER 14.29 TO TITLE 14 OF THE SAN JOSE MUNICIPAL CODE ADOPTING A TRAFFIC IMPACT FEE ON NEW INDUSTRIAL AND RESIDENTIAL DEVELOPMENT WITHIN THE NORTH SAN JOSE AREA DEVELOPMENT POLICY BOUNDARIES PASSED FOR PUBLICATION of title this 21st day of June, 2005, by the following vote:
AYES: Campos, Chavez, Chirco, LeZotte, Pyle, Reed, Williams, Gonzales
NOES: Cortese, Yeager
ABSENT: NONE
DISQUALIFIED: NONE
VACANT: DISTRICT 7
ATTEST:
RON GONZALES
Mayor
LEE PRICE, CMC
City Clerk
06/24/2005

SJ-835013#